

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Darnell Holloway,

Case No. 1:16-cv-03032

Plaintiff

MEMORANDUM OPINION

Warden Lazaroff,

Defendant

Before me is the June 26, 2018 Report and Recommendation of Magistrate Judge Jonathan D. Greenberg, recommending I deny the petition of Darnell Holloway for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The Clerk of Court mailed a copy of the Report and Recommendation to Petitioner at the Mansfield Correctional Institution in Mansfield, Ohio, on June 26, 2018. The fourteen day period has elapsed and no objections have been filed.

The failure to file written objections to the Magistrate Judge’s Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950 (6th Cir. 1981); *Smith v. Detroit Fed’n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“only

those specific objections to the magistrate's report made to the district court will be preserved for appellate review").

Following review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation, (Doc. No. 14), in its entirety as the Order of the Court, and deny Petitioner's petition for a writ of habeas corpus. As the failure to file objections to a magistrate judge's report also waives appellate review, *Smith*, 829 F.2d at 1373, I also decline to issue a certificate of appealability.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge